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**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of:

**PETITION TO AMEND RULE  
28, RULES OF THE SUPREME  
COURT**

Supreme Court No. R-18-0002

**COMMENT**

Pursuant to Rule 28(d), Rules of the Supreme Court of Arizona, Advay Mengle (“Commenter”) respectfully submits this comment regarding the Arizona Supreme Court Staff Attorneys’ Office petition to amend Rule 28.

**Additional disclosure requirement should not be added**

Commenter is a petitioner pro se for other rules changes before this Court, generally in support of increasing access to public judicial data. While Commenter supports making Rule 28 clearer, especially for non-attorney petitioners, it appears that the proposed amendments include one material change not discussed in the petition’s summary: proposed paragraph (A)(4)(a)(iv) requiring that petitions

“must disclose whether the same or a similar rule change has been proposed within the previous 5 years.” Commenter opposes this new requirement because it is both vague and puts an undue burden on petitioners. What constitutes a “similar” petition (how similar need it be)? Is it the wording of the proposed rule change that is relevant or the effect (an identical proposed wording change at different times could have different effects depending on other changes in the law or rules in the meantime)? Furthermore, a petitioner would have to search and read through five years of proposed rule changes in order to make this disclosure accurately.

**Rule 28 should provide an explicit procedure for amending petitions**

Given that proposed paragraph (G)(1) provides for an explicit procedure for requesting expedited consideration of a petition, while rewriting Rule 28, it would also be prudent to have an explicit procedure for requesting amendment of a petition. For example, after initial filing of a petition, but before this Court performs its preliminary review, petitioners may receive informal comments from stakeholders and be able to improve their proposal. Commenter suggests an additional new paragraph (A)(8):

(8) Amending a Petition. A petitioner may amend their petition prior to the initial Court review by filing an amended and restated petition. The method of filing, contents, length, and form of the amended and restated petition must meet all of the requirements of Rule 28(A).

### **Conclusion**

Commenter respectfully suggests this Court: (i) omit proposed paragraph (A)(4)(a)(iv) from the amended Rule 28 and (ii) consider providing explicit procedures for amending a rule petition.

RESPECTFULLY SUBMITTED this 12th day of May, 2018.

By: /s/  
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Electronically filed with the Court Rules Forum